IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO. 1448 (MS) OF 2001

(OLD No. 3731 of 1998)

Shri Badri Nath – Kedar Nath Templs Committee, Badrinath Joshi Math, District Chamoli, through its Chief Executive Officer. .....Petitioner.

Versus

1. IInd Addl. District Judge, Dehradun.
2. Shri Rama Pati Pant, S/o Shri Vachaspati Pant, R/o House No. 101/2 Dobhal Wala, Badrinath Colony Dehradun. .....Respondents.

Dated: 01.07.2006

Hon'ble Rajesh Tandon, J.

None appears for the petitioner. I have perused the record. However, Standing Counsel has appeared for the respondents.

A perusal of the record shows that the petitioner has challenged the order passed by the Second Addl. District Judge, Dehradun dated 12.09.1997 by which the proceeding under section 4(1) of the Public Premises (Eviction of Unauthorised Occupants) Act, 1972 has been dropped.

Briefly stated, the petitioner is governed by the provisions of Section 7 of the templs committee, which is a corporate body. The committee is entrusted with the management of the property and ultimately whole property lies with the State Government as will appear from the provisions of Section 7 of the Act.

The proceedings under Section 4 of the Public Premises Act was initiated and the Prescribed Authority on 16.03.1994

passed an order of eviction and appeal was preferred and the appeal was allowed holding that the public premises Act is not attracted to the premises in dispute.

The matter is covered by the judgment in Writ Petition No. 12634 of 1989, where it has been held that the temple property is not governed by the provisions of public premises Act, 1972.

I do not find any illegality in the aforesaid order. The writ petition, therefore, is dismissed. No order as to costs.

(Rajesh Tandon, J.)

01.07.2006

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